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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/051,968 | 01/16/2002 | Joseph M. Ross | HEND-AI | 1544 |

7590 11/10/2003

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EXAMINER

TO, TOAN C

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3616

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,968

Applicant(s)

ROSS ET AL.

Examiner

Toan C To

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-- Th MAILING DATE of this communication appears on th cover sh et with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 5-10 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 3 is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species 1 (represented by figure 2 and 2A-C), claims 1-4 in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 5-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan Publication (JP. 11210794).

Japan Publication (JP. 11210794) discloses a suspension assembly of an axle/suspension system, the assembly having a beam, said beam including a bushing assembly for pivotally mounting the beam on a vehicle frame via a frame hanger, wherein the improvement comprises: means for substantially preventing relative movement of at least one spacer disk (outer surface of rubber ring 6) disposed between the bushing assembly (5) and the frame hanger (2), whereby excessive wear to the

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spacer disk from the relative movement generally is prevented; in which means for substantially preventing relative movement is an integral spacer apparatus (6); in which said spacer apparatus (6) includes said spacer disk (outer surface of rubber ring 6); in which one of said spacer apparatus is vertically disposed between each side of said bushing assembly (5) and a respective one of a pair of spaced sidewalls of said frame hanger (2); in which at least one collar (8) is formed along at least a portion of the outer periphery of the disk and extends perpendicularly inwardly therefrom toward its respective bushing assembly side (5); and in which a continuous groove (9) is formed on the surface of the disk adjacent to the bushing assembly and the collar; and in which the groove (9) and the collar (8) provide a complementary fit of the spacer apparatus on a mounting tube (4) of said bushing assembly.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Japan Publication (JP-11210794) in view of Figure 1 (Prior Art) of the present invention.

Japan Publication (JP-11210794) discloses every element of the invention as discussed above except that the spacer apparatus is formed in one piece of ultra-high molecular weight polyethylene.

Figure 1 (Prior Art) of the present invention teaches the spacer apparatus (28) is formed in one piece of ultra-high molecular weight polyethylene in order to prevent rattling noises from being caused by contact between the bushing and the vehicle bracket.

It would have been an obvious design choice for one having ordinary skill in the art at the time the invention was made to modify the bushing system of Japan Publication (JP-11210794) as taught by Figure 1 (Prior Art) of the present invention to include the spacer apparatus formed in one piece of ultra-high molecular weight polyethylene in order to prevent rattling noises from being caused by contact between the bushing and the vehicle bracket.

Allowable Subject Matter

7. Claim 3 is allowed.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan To whose telephone number is (703) 306-5951. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson, can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-2571.

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Any inquiry of a general nature or relating to the status of this application or this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1113.

To, T

A handwritten signature in black ink, consisting of a stylized 'T' followed by a loop and a vertical stroke.

October 30, 2003